

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LAWMAN ARMOR CORPORATION,

Plaintiff,

v.

WINNER INTERNATIONAL, LLC, and
WINNER HOLDING LLC,

Defendants.

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Civil Action No. 02-4595

Hon. Robert F. Kelly

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Lawman Armor Corporation, a Pennsylvania corporation ("Plaintiff"), brings this action against Winner International, LLC and Winner Holding LLC ("Defendants"), for patent infringement, and alleges as follows:

THE PARTIES

1. Plaintiff is a business with a mailing address of 1434 Sugartown Road, Berwyn, Pennsylvania 19312.

2. Upon information and belief, Winner International LLC ("Winner") is a Pennsylvania limited liability company with a place of business at 32 West State Street, Sharon, Pennsylvania 16146. Winner International LLC does business in this District and elsewhere.

3. Upon information and belief, Winner Holding LLC is a Delaware corporation with a place of business at 32 West State Street, Sharon, Pennsylvania 16146 ("Winner Holding"). Winner Holding oversees and maintains overall administration and operational control over Winner International LLC.

JURISDICTION AND VENUE

4. The cause of action in this case arises under the United States Patent Laws, 35 U.S.C. § 101 et seq.

5. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1331.

6. Venue in the United States District Court for the Eastern District of Pennsylvania is proper pursuant to 28 U.S.C. § § 1391(b) and 1400. Defendants have sold the device which is the subject of this action in this District and elsewhere.

PATENT INFRINGEMENT

7. Plaintiff is the exclusive licensee (including the right to sue for past infringements) under United States Design Patent No. D357,621 (the “621 Patent”) pertaining to the field of automobile steering wheel anti-theft devices. A copy of the ‘621 Patent is attached hereto as Exhibit A.

8. The ‘621 Patent is directed to the sliding hook portion of a vehicle steering wheel locking device, and features an ornamental design for a two-pronged sliding hook for engagement with the rim of the vehicle steering wheel.

9. Lawman Armor Corporation, a Pennsylvania corporation, has an exclusive license to manufacture and sell vehicle steering wheel locking devices incorporating the design of the ‘621 Patent.

10. Defendants make, offer for sale, and sell vehicle steering wheel locking devices under the designations “Twin Hooks” and “The Club – Quad Hook System” and other infringing models (the “Infringing Devices”).

11. Defendants’ Infringing Devices feature an ornamental design for a two-pronged sliding hook which engages the rim of the vehicle steering wheel.

12. Defendants, without authority, make, offer to sell, and sell the Infringing Devices which employ Plaintiff's patented invention within the United States and import such devices which employ Plaintiff's patented invention into the United States, thereby infringing Plaintiff's patent.

13. Defendants' Infringing Devices apply the Plaintiff's patented design or a colorable imitation thereof to articles of manufacture for the purpose of sale, and Defendants sell and offer to sell articles of manufacture to which such design or colorable imitation has been applied.

14. In the eyes of the ordinary observer, giving such attention as a purchaser usually gives, the Plaintiff's design as shown in the '621 Patent and Defendants' design as shown in the Infringing Devices which are the subject of this action are substantially the same.

15. At all times relevant hereto, Defendants have had full knowledge of the '621 Patent, and Defendants' manufacture, offer for sale, and sale of the Infringing Devices constitutes willful, deliberate infringing activity.

16. On information and belief, Winner Holding LLC manages, oversees, and maintains overall administration and operation of Winner International. This information is stated in the biography of James E. Winner, Jr. available on the Winner International LLC's Web site at <http://www.theclub.com/jewinner.html>. A true copy of the web page is attached hereto as Exhibit B.

WHEREFORE, Plaintiff respectfully requests that this Court:

(a) enter judgment in favor of Plaintiff and against Defendants for infringement of the '621 Patent;

(b) permanently enjoin Defendants, their agents, servants, affiliates, employees, and all those in privity with Defendants from engaging in acts of infringement of the '621 Patent;

(c) order the infringing goods be recalled and/or gathered by Defendants from all retail or wholesale outlets to which Defendants have sold or delivered the goods;

(d) order the infringing goods be impounded and subsequently be destroyed;

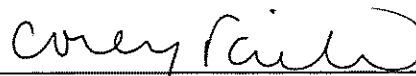
(e) enter an order directing Defendants to deliver to Plaintiff for destruction all advertisements, circulars, brochures or other promotional or advertising items or materials for Defendants' infringing automobile steering wheel anti-theft devices;

(f) award enhanced damages to Plaintiff adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by the Defendants, together with interest and costs as fixed by the Court;

(g) additionally, award damages to Plaintiff for infringement of Plaintiff's design patent equaling the total extent of Defendants' profits;

(h) award Plaintiff attorney's fees and costs incurred in connection with bringing this action; and

(i) award Plaintiff such other and further relief as this Court deems just and equitable.



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Date: December 15, 2003

EXHIBIT A



US00D357621S

United States Patent [19]

Yang

[11] Patent Number: Des. 357,621

[45] Date of Patent: ** Apr. 25, 1995

[54] SLIDING HOOK PORTION OF A VEHICLE
STEERING WHEEL LOCK ASSEMBLY[76] Inventor: Paul Yang, P.O. Box 82-144, Taipei
City, Taiwan, Prov. of China

[**] Term: 14 Years

[21] Appl. No.: 24,147

[22] Filed: Jun. 9, 1994

[52] U.S. Cl. D8/343

[58] Field of Search D8/330-331,
D8/339, 341, 343; 70/207-211, 214-215,
225-226, 237-238, 431; 292/289

[56] References Cited

U.S. PATENT DOCUMENTS

D. 312,202	11/1990	Wang	D8/341
D. 330,841	11/1992	Shen	D8/331
D. 350,472	9/1994	White et al.	D8/331

5,107,692 4/1992 Chen 70/226 X

Primary Examiner—Brian N. Vinson
 Attorney, Agent, or Firm—Alfred Lei

[57] CLAIM

The ornamental design for a sliding hook portion of a vehicle steering wheel lock assembly, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of sliding hook portion of a vehicle steering wheel lock assembly showing my new design;

FIG. 2 is a front side elevational view thereof;

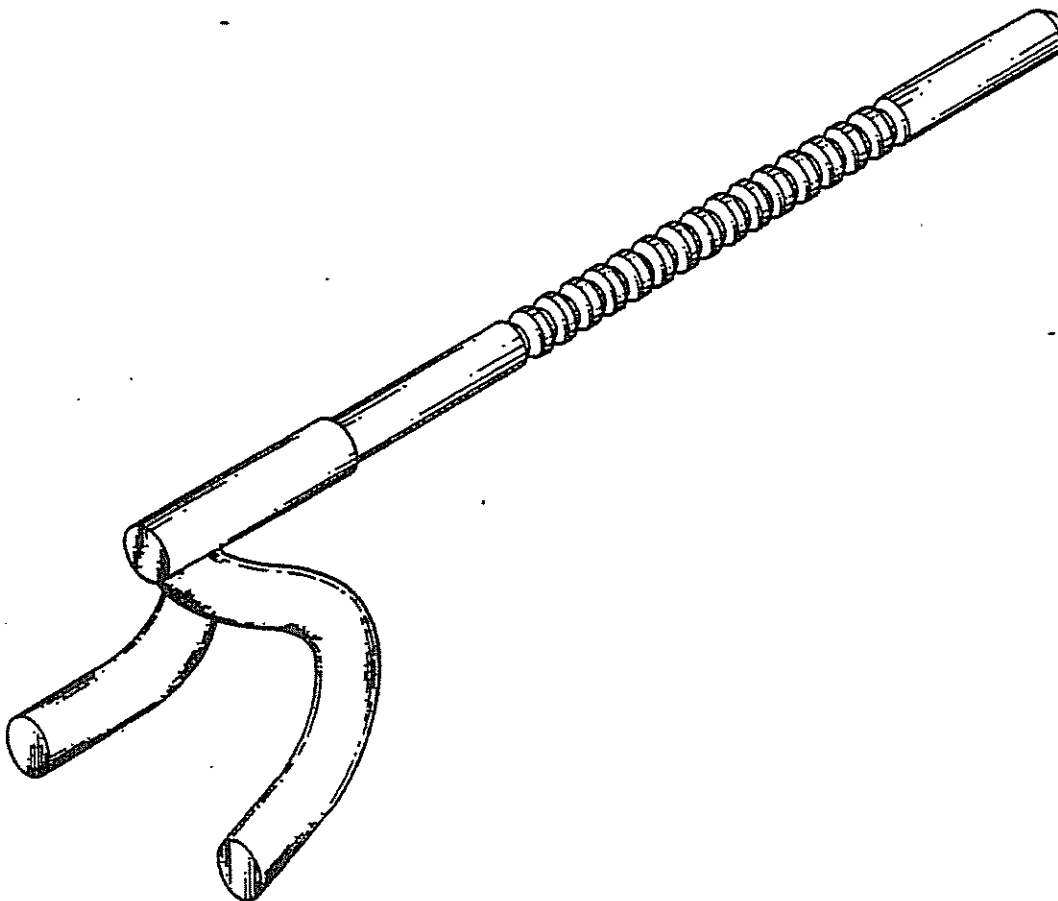
FIG. 3 is a rear side elevational view thereof;

FIG. 4 is a left view thereof;

FIG. 5 is a right view thereof;

FIG. 6 is a top plan view thereof; and,

FIG. 7 is a bottom plan view thereof.



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Des. 357,621

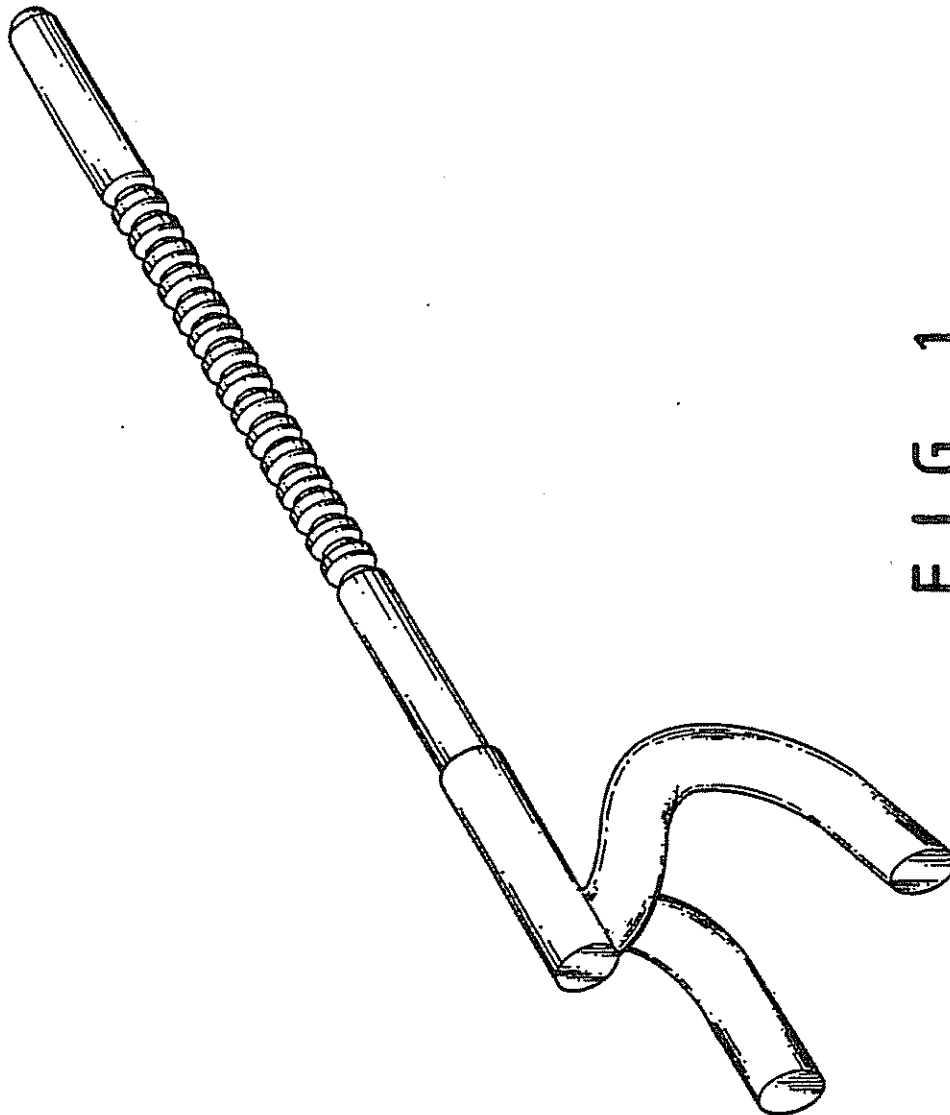


FIG. 1

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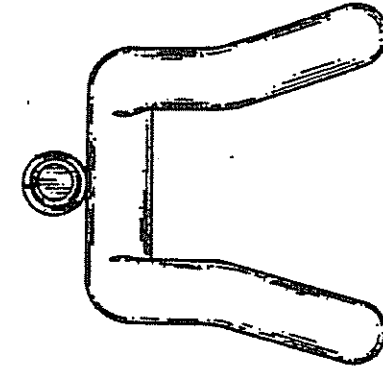


FIG. 3

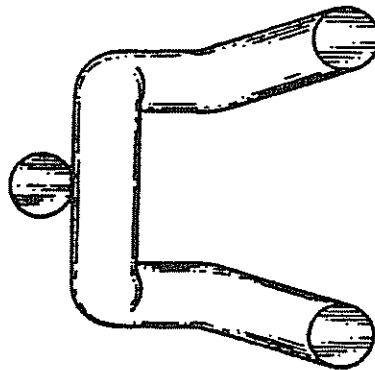


FIG. 2

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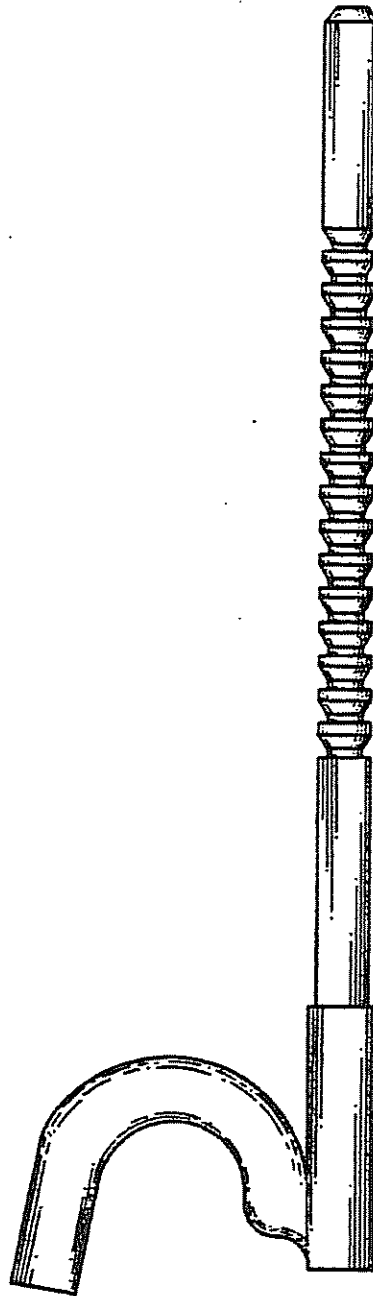


FIG. 4

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Des. 357,621

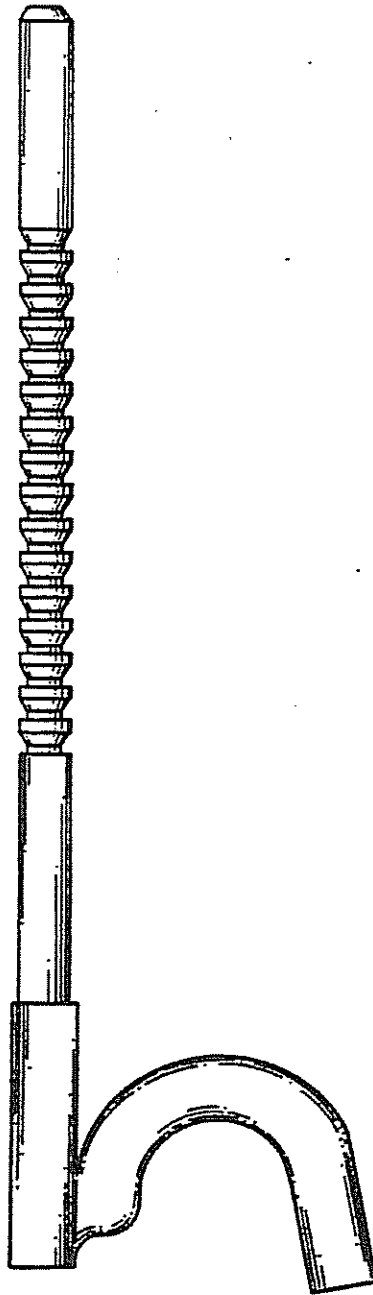


FIG. 5

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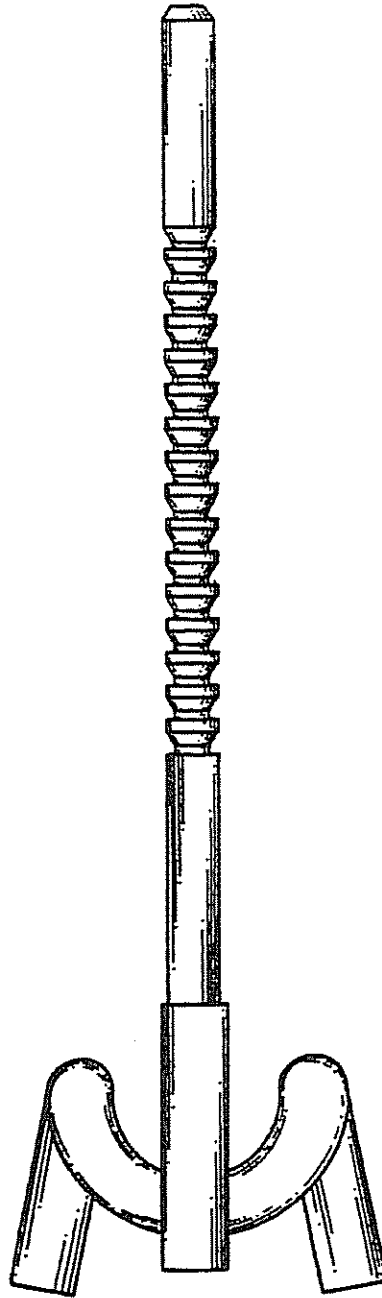


FIG. 6

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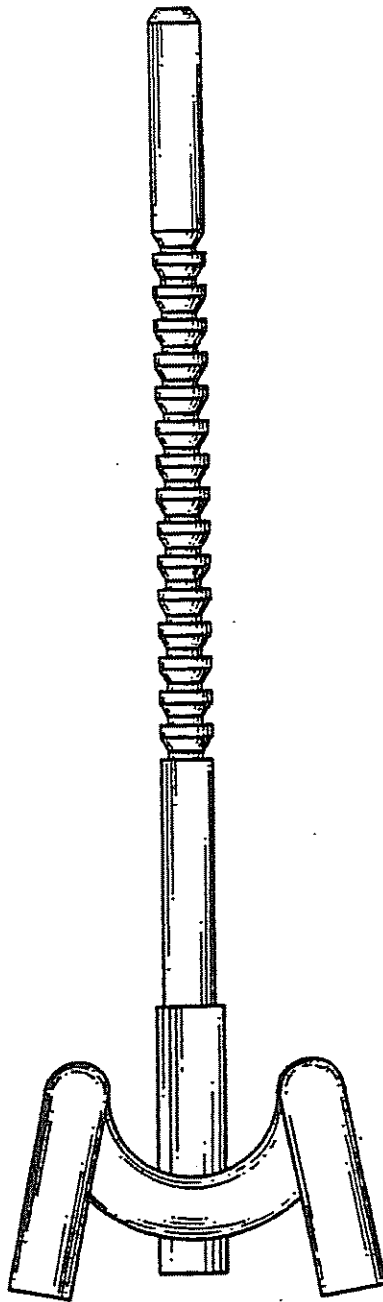
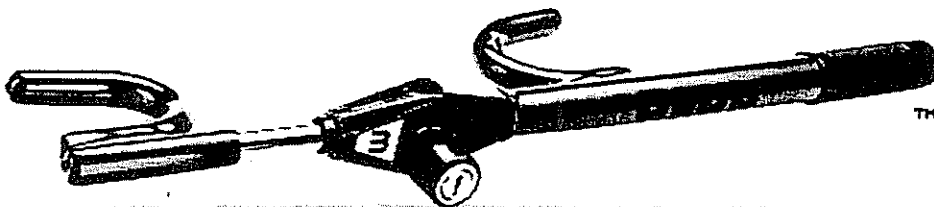


FIG. 7

EXHIBIT B



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James E. Winner, Jr.

Chairman of the Board and
Founder

Spending his childhood working at his family's dairy farm in Transfer, Pennsylvania, James E. Winner Jr. realized his goals in life early on.

"By the time I was 13, I knew that I didn't want to farm," said Winner, Founder/Chairman of Winner International, a successful consumer products company.

Dating back to 1955 when he left Westinghouse Electric Corporation and embarked on new business ventures and product inventions, Winner's entrepreneurial skills emerged. Winner became a partner in a chemical company in Cleveland, Ohio, and was an early investor in Sensomatic Electronics; an electronic shoplifting deterrent system (plastic tags on clothing that activate an alarm when removed from store premises). He handled the initial marketing of the electronic anti-shoplifting system which was later implemented in apparel stores in both Delaware and Pennsylvania.

Based on the concept - if you can't steer it, you can't steal it™ - Winner began marketing The Club® after his Cadillac was stolen despite its factory installed alarm.

"When I was in the Army and stationed in Korea," said Winner, "I used to secure a chain around the steering wheel of my vehicle to prevent it from being stolen."

With the development of The Club® vehicle anti-theft device, Winner International was formed and incorporated in 1986. The corporate mission - as a team of dedicated employees, we will serve our customers and community with fairness and integrity and be the world leader in providing innovative, quality, security and safety products.

In marketing The Club®, Winner International created a totally new class of automotive aftermarket security devices. The Club® is the original patented vehicle steering wheel lock and the No. 1 selling mechanical anti-theft device for cars and trucks worldwide.

Advertising Age selected The Club® as one of its Marketing 100 in 1993 - recognizing today's hottest brands. The same year The Club® received the American Marketing Association's Best New Products Award. *Consumer's Digest* featured The Club® in 1995 and again in 1997 as a "Best Buy" in automotive security products.

In addition to Winner International, Winner owns and operates The Radisson in Shenango Township, Pennsylvania, and Tiffany's, a banquet hall facility in Brookfield, OH. The hotel and banquet center are managed by Winner Hotel Group. The same hotel group, based in Sharon, Pennsylvania, owns five additional hotel properties nationwide and manages other non-owned hotel properties.

Winner is Chairman of the Board of Winner Holdings Company which was formed in 1996 to oversee and maintain overall administration and operation of Winner International and other Winner businesses. These businesses include Winner Aviation, the private flight side of the Youngstown-Warren Regional Airport, Youngstown, Ohio; Guardian Industries in Phoenix, Arizona, a manufacturer of personal defense spray; Security World, security stores in Florida, and Tara, a country inn located in Clark, PA.

In the Sharon, Pennsylvania area, Winner and his family created and own the following Winner Holdings managed businesses: The Winner, a women's off-price fashion store, Winner Institute of Arts & Sciences, a culinary school, The Vocal Group Hall of Fame & Museum, a museum to display vocal group history and memorabilia, Buhl Mansion, an upscale inn, day spa and art gallery, and Winner Steel, an advanced galvanizing facility.

Through Winner International and the variety of other businesses, Winner has been able to make a difference in his community.

All profits from the ladies' clothing store go to local charitable organizations that give food and clothing to needy families, as well as into a fund that provides scholarship money to students in the Shenango Valley.

"We have special projects each year that are supported by profits from The Winner," said Winner, "and I will continue to donate profits from the store to fund local charities and programs."

In and around Winner's hometown, his various family-owned enterprises provide jobs - and career opportunities - for more than 500 employees throughout the Shenango Valley.

Winner has been recognized for both his personal, as well as professional achievements. He received The Merrill Lynch and Ernst & Young "Entrepreneur of the Year" Award in 1992 and The Shenango Valley Pennsylvania Chamber of Commerce "Person of the Year" Award in 1994. In 1995, he received a Doctor of Law Honorary Degree from Slippery Rock University, Slippery Rock, PA. Rotary International honored Winner in 1997; he received the Paul Harris Fellowship Award. The same year, he received the Distinguished Citizen Award from the French Creek Council Boy Scouts of America and the Distinguished Citizen Award from Slippery Rock University.

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CERTIFICATE OF SERVICE

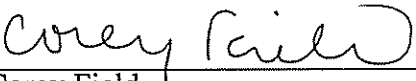
I, Corey Field, Esquire, hereby certify that a true and correct copy of the foregoing Second Amended Complaint for Patent Infringement and accompanying exhibits was served this date, by the manner indicated, on all counsel of record addressed as follows:

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